

REMARKS

At the outset, Applicants wish to thank the Examiner for the thorough review and consideration of the subject application. The Non-Final Office Action of March 26, 2003, has been received and its contents carefully noted. By this amendment, claims 8-11 have been amended, claims 1-7 and 12-13 have been cancelled without prejudice or disclaimer to the subject matter therein, and claims 14-28 have been added. Accordingly, claims 8-11 and 14-28 are currently pending in the application, of which claims 8, 14, and 22 are independent. Applicants greatly appreciate the indication that claims 5-11 contain allowable subject matter.

In the Office Action claim 12 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claim 6 of co-pending Application No. 09/902,828; claims 1-4 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 3,309,437 issued to Harnett in view of U.S. Patent No. 4,127,391 issued to Koppelman combined with Great Brittan Patent No. 1,480,690 issued to Madley et al. ("Madley") and Encyclopedia of Chemical Technology authored by Kirk-Othmer; and claim 12 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 3,309,437 issued to Harnett in view of U.S. Patent No. 4,127,391 issued to Koppelman combined with Great Brittan Patent No. 1,480,690 issued to Madley et al. ("Madley") and Encyclopedia of Chemical Technology authored by Kirk-Othmer. Applicants respectfully traverse these rejections and reconsideration is hereby requested.

Provisional Obviousness Type Double Patenting

The Examiner provisionally rejected claim 12 under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claim 6 of co-pending Application No. 09/902,828. Applicants respectfully submit the provisional rejection is moot in view of claim 12 being cancelled.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 3,309,437 issued to Harnett in view of U.S. Patent No. 4,127,391 issued to Koppelman combined with Great Brittan Patent No. 1,480,690 issued to Madley et al. ("Madley") and Encyclopedia of Chemical Technology authored by Kirk-Othmer. Applicants respectfully submit these rejections are moot in view of claims 1-4 being cancelled.

Additionally, claim 12 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 3,309,437 issued to Harnett in view of U.S. Patent No. 4,127,391 issued to Koppelman combined with Great Brittan Patent No. 1,480,690 issued to Madley et al. ("Madley") and Encyclopedia of Chemical Technology authored by Kirk-Othmer. Applicants respectfully submit this rejection is moot in view of claim 12 being cancelled.

Allowable Subject Matter

Applicants appreciate the indication that claim 5-7 contain allowable subject matter. Claims 1-7 have been cancelled and claims 14-21 have been added to incorporate the allowable subject matter of claims 5-7.

Claim 14 has been written in independent form to incorporate the subject matter of claim 5 and to address minor informalities. Claim 14 essentially incorporates the subject matter of claim 5 and recites a combination of elements including, for example, "A coal-based cellular product, comprising: a matrix of cells having a density; and at least one of an integral stiffener, load path, direct heat transfer path, and a mass transfer path coal-based cells arranged in said matrix of cells defined by the presence of coal-based cells having a different density and cell size than said cells of the matrix." None of the cited references either singly or in combination teaches or suggests at least these features. Accordingly, Applicants submit that claim 14 and claims 15-21, which depend from claim 14 are in condition for allowance.

Additionally, Applicants appreciate indicating claims 8-11 contain allowable subject matter. Claims 8-11 have been amended to correct minor informalities. Accordingly, Applicants respectfully submit that claim 8 and claims 9-11, which depend from claim 8 are in condition for allowance.

Other Newly Added Claims

Claim 22 is allowable over the cited references in that claim 22 recites a combination of elements including, for example, "[a] method for forming a coal-based cellular product having a

matrix of cells of different densities, comprising: arranging a coal-based precursor having particle sizes below about 1mm into a mold; arranging said mold into a pressure chamber under a non-oxidizing atmosphere; heating said thermally conductive mold to a temperature ranging from about 300°C to about 700°C and holding at this temperature for about 10 minutes to about 12 hours; and controllably cooling said coal-based product for forming a coal-based product having a matrix of cells different densities.” None of the cited references either singly or in combination teaches or suggests at least these features. Accordingly, Applicants respectfully submit that claim 22 and claims 23-28, which depend from claim 22 are allowable.


CONCLUSION


Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,


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Date: September 25, 2003

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